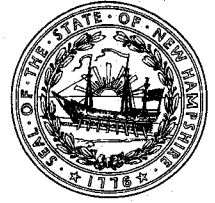




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-015**

February 27, 2006

Art Conkey, Jr
PO Box 99
Enfield Center, NH 03749

RE: DES Wetlands File #2006-00027 Bog Road, Enfield

Dear Mr. Conkey:

On February 7, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Enfield Tax Map 5 as Lot 3 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 5 acres had been clearcut in and adjacent to a wetland designated as "prime" by the Town of Enfield under RSA 482-A:15. Pursuant to NH Admin. Rule Wt 302.02, projects located in or adjacent to prime wetlands are considered "Major Projects" and therefore require a permit prior to the start of such work. DES records indicate that a permit was not obtained for such work.
2. A stream upslope of the clearcut had been crossed by machinery during a timber harvest. DES records indicate that a Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact was not filed with DES; and
3. Wetlands had been rutted during timber harvesting activities in the southeast corner of the clearcut.

In response, you are requested to take the following actions:

1. Voluntarily cease from conducting any further activity including, but not limited to, cutting, stumping, or grading within the clearcut;
2. By March 9, 2006, retain a certified wetland scientist to delineate the clearcut. Provide the name, address and telephone number of the certified wetland scientist to DES no later than March 9, 2006.
3. By June 30, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring the wetlands on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

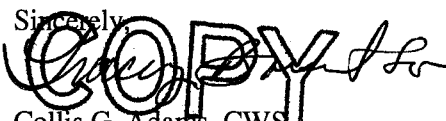
DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0125

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Enfield Conservation Commission
Jim Taylor, Town of Enfield Planning Board
Charlie Hirshberg, CLD Engineers, Inc.
USACOE